

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2024-03

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING AN OWNER OR OCCUPIER OF REAL PROPERTY TO REMOVE ANY DEAD OR DECAYING TREE THAT DUE TO ITS SIZE AND LOCATION IS CAPABLE OF FALLING OVER, OR SHEDDING BRANCHES OVER, A PROPERTY LINE; REQUIRING A NOTICE OF VIOLATION; CONTAINING PENALTY PROVISIONS; CONTAINING REPEALER, SEVERABILITY AND EFFECTIVE DATE PROVISIONS.

WHEREAS, Gordon Borough Council, by the power and authority granted in 8 Pa.C.S.A. Sections 1202(4) and (5), may prohibit and remove any nuisance on private grounds, and require the owner or occupier of private grounds on which a nuisance exists to remove it, and make regulations necessary for the safety of the Borough; and

WHEREAS, decaying and dead trees can be considered a nuisance if they: are located in such a place as to potentially fall or shed branches over property lines onto a public right-of-way or onto neighboring property; or are large enough to cause damage to persons or property if they fall or shed branches over property lines;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. The following words and phrases when used in this Ordinance shall have the meanings given to them in this Section unless the context clearly indicates otherwise. The singular shall include the plural, and the plural shall include the singular.

“Borough” – Gordon Borough, Schuylkill County, Commonwealth of Pennsylvania.

“Dead or Decaying Tree” – A tree exhibiting one or more of the following conditions: shedding sticks and branches on the surrounding ground; bark is falling off; contains visible rot or fungus; visible leaning; contains open wounds; has no leaf growth; infested with termites or other pests; contains root damage; contains brittle branches; is not green under the bark.

“Enforcement Agent” – the Mayor of the Borough, the appointed Code Enforcement Officer or Assistant Code Enforcement Officer of the Borough, or any municipal police officer employed or contracted for by the Borough.

“Owner or Occupier” – the Person(s) who possess(es) legal title to a parcel of real property as stated on the Deed filed in the Schuylkill County Recorder of Deeds Office, or the Person(s) having actual physical control over the parcel of real property.

“Person” – a natural person or any other legal entity.

Section 2. No Owner or Occupier shall allow a Dead or Decaying Tree, which is large enough to cause damage to a Person or property if it falls or if its branches fall, to remain on a parcel of real property under his/her/its ownership or control if the Dead or Decaying Tree, due to its size and location, is capable of falling, or the branches of the Dead or Decaying Tree are capable of falling, across a property line onto the property/right-of-way of the Borough or the property of another Person.

cost, shall be entered as a lien against the real property from which the tree was removed pursuant to the law for the collection of municipal claims (53 P.S. Section 7101 et.seq.). Each day on which a violation of Section 2 of this Ordinance is found to exist shall be considered a separate offense.

Section 7. All prior Borough Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Section 8. If any part or provision of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by Borough without the part or provision found illegal or unenforceable.

Section 9. This Ordinance shall be effective on the first day allowed by law following its adoption.

ORDAINED and ADOPTED this _____ day of _____, 2024.

BOROUGH OF GORDON
Schuylkill County, Pennsylvania

BY: _____
Council

ATTEST:

APPROVED:

Mayor

I, Cathy Moyer, Secretary for Gordon Borough, hereby attest that the foregoing is a draft Ordinance which will be duly advertised and considered by Borough Council at a public meeting.

Cathy E. Moyer